

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

<b>IN THE MATTER OF:</b>	)	
	)	COMPLAINT NO. R9-2003-0162
RYLAND HOMES OF CALIFORNIA, INC.	)	FOR
SERENADA DEVELOPMENT	)	ADMINISTRATIVE CIVIL LIABILITY
NONCOMPLIANCE WITH CALIFORNIA	)	
WATER CODE §§ 13267, 13376 AND 13383,	)	June 5, 2003
AND STATE BOARD ORDER NO. 99-08-	)	
DWQ	)	

**RYLAND HOMES IS HEREBY GIVEN NOTICE THAT:**

1. Ryland Homes of California, Inc. (Ryland Homes) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability under section 13385 of the California Water Code (CWC).

**ALLEGATIONS**

2. **Discharge of Sediment to a MS4 and Waters of the Nation**  
Ryland Homes discharged sediment to a Municipal Separate Storm Sewer System and waters of the nation without submitting a report of waste discharge in violation of CWC section 13376 and in violation of State Board Order No. 99-08-DWQ section A.2. Sediment was discharged from the Serenada site to Murrieta Creek via the City of Murrieta's MS4 on at least four days: January 28, 2003, February 11, 2003, February 13, 2003, and February 28, 2003.
3. **Failure to Implement Storm Water Pollution Prevention Plan**  
Ryland Homes failed to implement its Storm Water Pollution Prevention Plan (SWPPP) by failing to implement and or maintain Best Management Practices (BMPs) in violation of State Board Order No. 99-08-DWQ section C.2 on at least 68 days: October 28, 2002; December 17, 2002; January 2, 2003; January 9, 2003; January 17, 2003; February 11, 2003; February 13, 2003; February 14, 2003; February 21, 2003; and February 28 through April 15, 2003.
4. **Failure to File Notice of Intent**  
Ryland Homes failed to file a Notice of Intent (NOI) for coverage under California State Water Resources Control Board (State Board) Order No. 99-08-DWQ, *NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity* prior to the commencement of construction activity at the Serenada construction site (vicinity of Nutmeg Street and Jackson Avenue, Murrieta, California) on September 1, 2002 as required by CWC section 13376, Order No. 99-08-DWQ section C.1, and 40 Code of Federal Regulations Parts 122, 123, and 124. The State Board received a NOI for the Serenada site (WDID No. 9 33S320505) on March 11,

2003, 191 days late. The Serenada site remains active and continues to be regulated under Order No. 99-08-DWQ.

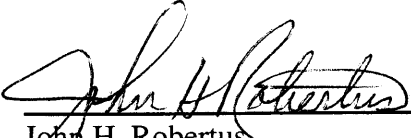
5. **Failure to Submit Adequate Technical Report**

Ryland Homes failed to submit an adequate technical report on March 28, 2003 as required by the Regional Board pursuant to CWC sections 13267 and 13383 on March 11, 2003. An adequate technical report has not been received by the Regional Board as of the date of this Complaint, 68 days late and counting.

**PROPOSED CIVIL LIABILITY**

6. Based on consideration of the factors listed in § 13385 of the California Water Code, civil liability should be imposed on Ryland Homes by the Regional Board in the amount of \$40,000 for the violations described in paragraph No. 2; \$102,000 for the violations described in paragraph No. 3; \$9,550 for the violations described in paragraph No. 4; \$6,800 for the violations described in paragraph No. 5; resulting in a total liability for all violations of \$158,350.

Dated this 5<sup>th</sup> day of June 2003

  
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John H. Robertus  
Executive Officer